

DOCKET NO.: 273503US0PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: :  
MICHEL DROUX, ET AL. : EXAMINER: HALPERN, MARK  
SERIAL NO.: 10/541,121 :  
FILED: JUNE 30, 2005 : GROUP ART UNIT: 1791  
FOR: METHOD FOR MAKING A FIBER :  
GLASS AND CELLULOSE MAT IN  
CATIONIC MEDIUM

"RESPONSE UNDER 37 CFR 1.110-  
EXPEDITED PROCEDURE EXAMINING  
GROUP 1291"

REQUEST FOR RECONSIDERATION

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the final Office Action dated April 23, 2009, reconsideration and allowance are respectfully requested in view of the following remarks.

Claims 1-25 are pending, claims 18-20 having been withdrawn from consideration.

Personal Interview

Applicants appreciate the courtesies extended to Applicants' representative by Examiner Halpern during the July 28, 2009 Personal Interview. Applicants' separate record of the substance of the interview is incorporated in the following remarks.

Objection to the Specification

The Office Action objects to the specification, alleging that the amendments to the specification set forth in the Amendment dated April 9, 2009 introduce new matter.

As discussed during the Personal Interview, the specification was amended in the April 9, 2009 Amendment to replace the term "uniformity" with the term "homogeneity" at page 1, line 30. This application is the U.S. National Stage of an International Application originally filed in the French language. Accordingly, the present specification is an English-language translation of the original International Application. Applicants discovered, during the course of prosecution, that the term "uniformity" in the English-language translation was not the best translation of the corresponding French text. The amendment to replace the term "uniformity" with the term "homogeneity" corrects this oversight.

Support for the correction can be found, for example, in the April 8, 2009 Declaration of Mr. Charles Anderson (referenced in the April 9, 2009 Amendment and filed on April 27, 2009), which indicates that the term "uniformity" at page 1, line 30, of the present specification is more correctly translated as "homogeneity." No new matter is added. Accordingly, withdrawal of the rejection is respectfully requested.

Rejection Under 35 U.S.C. §112, First Paragraph

The Office Action rejects claims 1-17 and 21-25 under the written description requirement of 35 U.S.C. §112, first paragraph. Applicants respectfully traverse the rejection.

This rejection stems from the new matter objection discussed above.

Claims 1, 21 and 23 recite that "the formed veil is homogeneous." This phrase is literally supported in the present specification at page 1, lines 29 to 30, as amended in the

Amendment dated April 9, 2009. The remaining claims are rejected solely for their dependency from claims 1 and 23.

Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Rejection Under 35 U.S.C. §112, Second Paragraph

The Office Action rejects claims 1-17 and 21-25 under as indefinite under 35 U.S.C. §112, second paragraph. Applicants respectfully traverse the rejection.

This rejection stems from the new matter objection discussed above.

Applicants submit that the rejection should be withdrawn for at least the reasons discussed above with respect to the rejection under the written description requirement of 35 U.S.C. §112, first paragraph.

Rejection Under 35 U.S.C. §102/§103

The Office Action rejects claims 1-17 and 21-25 under 35 U.S.C. §102(b), or in the alternative under 35 U.S.C. §103(a) over U.S. Patent No. 5,837,620 to Kajander ("Kajander"). Applicants respectfully traverse the rejection.

Applicants submit that the rejection should be withdrawn for at least the reasons discussed in the previous responses.

However, Applicants wish to address, in particular, an aspect of the rejection discussed during the Personal Interview. Namely, the Examiner indicated that it might be possible to advance prosecution of this application by focusing on features reflecting a clearly measurable parameter.

Applicants note that, e.g., claims 12, 18, 21 and 25 require 2 to 12% cellulose, 70 to 80% glass. The Office Action asserts that Kajander discloses that fibers may be blended in

different concentrations. *See* Office Action, page 7. Thus, the Office Action asserts that it would have been obvious to blend fibers in the claimed amounts. *See* Office Action, page 7.

In the passage referenced in the Office Action, Kajander discloses that "[w]hile the majority of the fibers used in the present invention are glass fibers, a minor portion of non-glass fibers can also be used ...." *See* Kajander, column 3, lines 16 to 18. However, Kajander does not remotely disclose or suggest employing the particular amounts of glass fibers and cellulose fibers recited in claims 12, 18, 21 and 25.

MPEP §2131.03 states that "[w]hen the prior art discloses a range which touches or overlaps the claimed range, but no specific examples falling within the claimed range are disclosed ... the claimed subject matter must be disclosed in the reference with 'sufficient specificity to constitute an anticipation ....'" Kajander does not disclose the ranges of claims 12, 18, 21 and 25 or provide examples falling within such range.

To the extent that the disclosure in Kajander that "... the majority of the fibers ... are glass fibers, a minor portion [ARE] of non-glass fibers ..." could be said to overlap the ranges of amounts recited in claims 12, 18, 21 and 25, Applicants note that a *prima facie* case of obviousness based on overlapping ranges can be rebutted by showing the criticality of the claimed range. *See* MPEP §2144.05.

In the present specification, Applicants have provided examples employing glass fibers and cellulose fibers in varying mass ratios both within and outside the ranges recited in claims 12, 18, 21 and 25. As shown in the Table in the present specification at page 8, lines 8 to 9, veils including 5% cellulose and 10% cellulose<sup>#</sup> have a tear strength significantly higher than veils including cellulose fibers in amounts outside the range of amounts required in claims 12, 18, 21 and 25, while retaining a very high tensile strength.

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<sup>#</sup> It should be appreciated that the amounts of glass and cellulose referenced in the Table are based on the total amount of glass and cellulose, while the amounts of glass and cellulose in claims 12, 18, 21 and 25 are based on the overall composition of the veil. However, notwithstanding this difference, the veils including 5% cellulose and 10% cellulose fall within the scope of claims 12, 18, 21 and 25.

These results are objective evidence of the improvements of claims 12, 18, 21 and 25 over known methods as in Kajander, and thus these results rebut any suggestion that it would have been obvious to modify the method of Kajander as proposed in the Office Action.

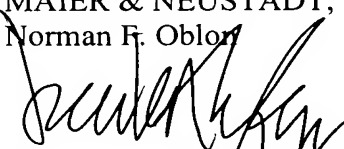
As explained herein and in Applicants' previous remarks, claim 1 is not anticipated by and would not have been rendered obvious by Kajander. Claims 2-17 depend from claim 1 and, thus, also are not anticipated by and would not have been rendered obvious by Kajander. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Conclusion

For the foregoing reasons, Applicants submit that claims 1-25 are in condition for allowance. Prompt reconsideration and allowance are respectfully requested.

Respectfully submitted,

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